

REMARKS**I. General**

The issues outstanding in the instant application are as follows:

- The Drawings are objected to;
- The disclosure is objected to for informalities;
- The claims have been renumbered under an Examiner's Amendment;
- Claim 9 is objected to for informalities;
- Claims 1, 2, 8, 9, 11, 12, 14-18 20, 21, 39-54 and 56-63 (as renumbered) stand rejected under 35 U.S.C. §102(e) as unpatentable over Elliott, U.S. Pat. No. 6,614,781 (hereinafter *Elliott*);
- Claims 3-7 and 22-33 (as renumbered) stand rejected under 35 U.S.C. §103(a) as unpatentable over *Elliott* in view of Cave, U.S. Pat. No. 5,754,631 (hereinafter *Cave*);
- Claim 10 stands rejected under 35 U.S.C. §103(a) as unpatentable over *Elliott* in view of Shitivelman, U.S. Pat. No. 6,157,655 (hereinafter *Shitivelman*);
- Claims 34-38 (as renumbered) stand rejected under 35 U.S.C. §103(a) as unpatentable over *Elliott* and *Cave* in view of Adams, U.S. Pat. Pub. No. 2003/0140121 (hereinafter *Adams*); and
- Claims 13, 19 and 55 (as renumbered) are objected to as being dependent upon a rejected base claim.

Applicant wishes to thank the Examiner for the indication that claims 13, 19 and 55 include allowable subject matter. However, Applicant hereby traverses the outstanding rejections of the remaining claims, and requests reconsideration and withdrawal of the outstanding rejections and objections in light of the amendments and remarks contained herein. Claims 1-63 are currently pending in this application.

II. Amendments to the Drawings

In response to the Office Action's objection to FIGURE 6 a replacement sheet for drawing sheet 9 of 22, including an amended FIGURE 6, accompanies this Amendment. As suggested by the Office Action the "CloseLogicalChannel" message 932 has been amended to identify B's IP and RTP address, rather than A's.

III. Disclosure Informalities

As suggested by the Office Action the following amendments have been made to the specification: At page 28, line 6, “gateway 810 and VMS 804” has been amended to read “gateway 810 and CCS 802”. At page 28, line 6, “gateway 812 and VMS 804” has been amended to read “gateway 812 and CCS 802”. At page 35, line 11, “G.931” has been amended to read “Q.931”. At page 36, line 3, “H.245-G.931” has been amended to read “H.245-Q.931”. At page 40, line 11, “telephone 814” has been amended to read “telephone 832”. At page 42, line 25, “gateway 801” has been amended to read “gateway 810”. At page 47, line 19, “data streams 1091 and 1092” has been amended to read “data streams 1491 and 1492”. Finally, at page 53, line 21, “to telephone 814” has been amended to read “to telephone 832”.

IV. Amendments to the claims

The Office Action points out that two claims are numbered as claim 24 and two claims are numbered as claim 25. The Office Action also includes an Examiner’s Amendment renumbering the second claims numbered 24 and 25 as claims 26 and 27, respectively, and renumbering original claims 26-61 as claims 28-63, respectively. Further, it appears from the text of the Office Action that the Examiner has also corrected dependency of the renumbered claims. Therefore, Applicant has shown the claims above, numbered in what Applicant believes is in accordance with the Examiner’s Amendments. The Examiner is respectfully requested to confirm Applicant’s understanding of the claim renumbering. (The renumbered claims are indicated as “Previously Presented” due to the Examiner’s Amendment.)

Informalities in claim 9 have been corrected above. The inadvertently included phrase “the method of claim d” has been deleted. As a result, claim 9 now clearly depends from claim 8, only.

V. Rejections under 35 U.S.C. §102(e)

Claims 1, 2, 8, 9, 11, 12, 14-18, 20, 21, 39-54 and 56-63 (as renumbered) stand rejected under 35 U.S.C. §102(e) as unpatentable over *Elliott*. Applicant respectfully traverses these rejections.

The recited reference does not teach all claimed limitations.

It is well settled that to anticipate a claim, the reference must teach every element of the claim, see M.P.E.P. §2131. Moreover, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he elements must be arranged as required by the claim,” see M.P.E.P. § 2131, citing *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). Furthermore, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim,” see M.P.E.P. § 2131, citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989). Applicant respectfully asserts that the rejection does not satisfy these requirements.

A. Claims 1, 2, 8, 9, 11, 12, 14-18, 20 and 21

Elliott does not disclose numerous limitations of claim 1, particularly arranged as required by claim 1. For example, independent claim 1, in part, recites:

interfacing an interactive response process to said
asynchronous network, wherein said interactive response
process is adapted to directly utilize packet network protocols;

The Office Action states that *Elliott* teaches “interfacing an interactive response process to said asynchronous network (FIG. 6D) referenced by Calling Card IVR 632 connected to Gateway Site 110 interfacing to asynchronous Data Network 12, wherein said interactive response process is adapted to directly utilize packet network protocols (column 43 lines 2-6) referenced by use of packet network protocols IPDC and SR-3511.” However, the Calling Card IVR of Figure 6D is clearly shown as an “off-network” device connected through Gateway 110. The description of use of IPDC and SR-3511 protocols provided at column 43, lines 2-6 is in reference to network IVR 654 of *Elliott*, not off-network calling card IVR 632. Therefore, the Office Action fails to show how *Elliott* teaches

“interfacing an interactive response process to said asynchronous network,” particularly where the “interactive response process is adapted to directly utilize packet network protocols.”

Claim 1 also recites “establishing a first signaling channel associated with said first communication device and said interactive response process.” The Office Action states that *Elliott* teaches “establishing a first signaling channel associated with said first communication device and said interactive response process (FIG. 1, FIG. 6C, FIG. 6D, column 42 lines 56-67, column 43 lines 1-6) referenced by control signals H.323 from the Soft Switch 204 via Gateway Site 110 to the IVR 632 connecting Telephone 120 to a Calling Card IVR.” Again, the Office Action is relying on the description of Network IVR 654’s use of IPDC and SR-3511 protocols provided at column 43, lines 1-6 as teaching signaling by off-network calling card IVR 632. Therefore, the Office Action fails to show how or if *Elliott* teaches “establishing a first signaling channel associated with said first communication device and said interactive response process.”

Claim 1 further recites:

directing, under control of said interactive response process
using said first signaling channel, a first media stream
associated with said first communication device to said second
communication device to thereby provide a call.

The Office Action states that *Elliott* teaches “directing under control of said interactive response process using first signaling channel a first media stream associated with said first communication device to said second communication device to thereby provide a call (FIG. 2B) referenced by IVR in combination with Soft Switch 304 control of RTP/UDP/IP media stream between Telephone 120 and Telephone 102.” Applicant wishes to point out that claim 1 clearly recites that the first media stream is directed “under control of said interactive response process using said first signaling channel.” The Office action’s recitation of a combination of soft switch and IVR (presumably earlier recited Calling Card IVR 632) fails to meet the burden imposed under 35 U.S.C. §102, because nothing in *Elliott* teaches the IVR using a signaling channel to control a media stream.

Finally, claim 1 recites “directing a third media stream from said interactive response process to said first communication device during a time in which said first media stream is directed to said second communication device.” The Office Action states that *Elliott* teaches “directing a third media stream from said interactive response process to said first communication device during a time in which said first media stream is directed to said second communication device (FIG. 6C, column 42 lines 56-59) referenced by a third media stream to the Calling Card IVR 632 to obtain information calling card information from the calling party using the first communication device Telephone 120.” Figure 6C of *Elliott* fails to show any media streams directed to or from IVR 632, other than might be inferred from the connection between IVR 632 and Gateway 110 shown. Further the text of Column 42, lines 56-59 of *Elliott* only provides: “FIG. 6C illustrates additional off-switch services 630. For example, calling card interactive voice response (IVR) 632 services can be provided off-switch, similarly to operator services 628.” Nothing in this disclosure shows, or even suggests, the direction of a third media stream from an interactive response process to a communication device in as complete detail as is contained in claim 1, particularly where such direction is maintained during a time in which a first media stream is directed to a second communication device.

Therefore, Applicant respectfully asserts that for at least the above reasons independent claim 1 is patentable over the 35 U.S.C. § 102 rejection of record. Furthermore, there are great differences between the claim and the prior art of record, and a person of ordinary skill in the art considering the prior art would not find these differences obvious.

Claims 2, 8, 9, 11, 12, 14-18, 20 and 21 depend directly or indirectly from base claim 1, and thus inherit all limitations of claim 1. As a result, each of claims 2, 8, 9, 11, 12, 14-18, 20 and 21 set forth features and limitations not recited by *Elliott*. Therefore, Applicant respectfully asserts that for at least the above reasons advanced above in addressing the anticipation rejection of claim 1, each of claims 2, 8, 9, 11, 12, 14-18, 20 and 21 are patentable over the 35 U.S.C. § 102 rejection of record.

B. Claims 39-46 (as renumbered)

Similar to Independent claim 1 above, independent claim 39 recites “interfacing an interactive response process to said asynchronous network, wherein said interactive response process is adapted to directly utilize packet network protocols.” As with claim 1, the Office

Action alleges that *Elliott* teaches “interfacing an interactive response process to said asynchronous network (FIG. 6D) referenced by Calling Card IVR 632 connected to Gateway Site 110 interfacing to asynchronous Data Network 12, wherein said interactive response process is adapted to directly utilize packet network protocols (column 43 lines 2-6) referenced by use of packet network protocols IPDC and SR-351 1.” As pointed out above, the Calling Card IVR of Figure 6D is clearly shown as an “off-network” device connected through Gateway 110. The description of use of IPDC and SR-3511 protocols provided at column 43, lines 2-6 is in reference to network IVR 654 of *Elliott*, not off-network calling card IVR 632. Therefore, the Office Action fails to show how *Elliott* teaches “interfacing an interactive response process to said asynchronous network,” particularly where the “interactive response process is adapted to directly utilize packet network protocols.”

Claim 39 also recites “directing a second media stream from said interactive response process to a second communication device of said plurality of communication devices, wherein said second communication device is one of said at least two communication devices of said plurality of communication devices.” The Office Action alleges that *Elliott* teaches “directing a second media stream from said interactive response process to a second communication device of said plurality of communication devices wherein said second communication device is one of said at least two communication devices of said plurality of communication devices (FIG. 1) referenced by second media stream to second communication device Telephone 102 controlled by combination IVR Soft Switch Site 106.” However, employing such a combination of an IVR and Soft Switch Site 106 fails to meet the burdens imposed under 35 U.S.C. §102, , because nothing in *Elliott* teaches directing a second media stream from an IVR to a second communication device.

Finally, claim 39 recites “directing, during a time in which said second media stream is directed from said interactive response process to said second communication device, a third media stream from said interactive response process to a third communication device of said plurality of communication devices, wherein said third communication device is one of said at least two communication devices of said plurality of communication devices.” The Office Action Alleges this element of claim 39 is taught by ‘FIG. 1 and column 220 lines 21-25) of *Elliott*, “referenced by three-way conferencing the third media stream associated with a third communication device Telephone 122 upon receiving the destination telephone number at the IVR.” However, nothing in Fig. 1 of *Elliott* shows the alleged “three-way

conferencing” of the telephones shown. As noted above, the text at column 220 lines 21-25 merely states: “A 3-way conferencing bridge can be created by the end-user by choosing the conferencing feature from the enhanced services menu. The end-user enters up to, e.g., two additional phone numbers and is then connected by a bridge.” As also noted above, this 3-way conferencing seems to be a subcomponent of the “Voice Services” of *Elliott* introduced in Column 216, beginning at line 15. Nothing in the description of these “Voice Services” would seem to indicate that a third media stream is directed from an interactive response process to a third communication device, as recited by claim 39, much less that this is carried out during a time in which a second media stream is directed from the interactive response process to a second communication device.

For at least the above reasons Applicant respectfully contends that *Elliott* does not teach all the claimed limitations of claim 39. Therefore, Applicant respectfully asserts that independent claim 39 is patentable over the 35 U.S.C. § 102 rejection of record. Furthermore, there are great differences between claim 39 and the prior art of record, and a person of ordinary skill in the art considering the prior art would not find these differences obvious.

Claims 40-46 depend directly, or indirectly, from base claim 39, and thus inherit all limitations of claim 39. As a result each of claims 40-46 set forth features and limitations not recited by *Elliott*. Thus, the Applicant respectfully asserts that for at least the reasons advanced above in addressing the anticipation rejection of claim 39 claims 40-46 are patentable over the 35 U.S.C. § 102 rejection of record.

C. Claims 47-54 and 56 (as renumbered)

Claim 47 recites “interfacing an interactive response process to said asynchronous network, wherein said interactive response process is adapted to directly utilize packet network protocols.” For the same reasons advanced above in addressing the anticipation rejections of claim 1 and 39, Applicant respectfully asserts that *Elliott* does not teach this limitation.

Claim 47 also recites “interfacing an operator system to said interactive response process.” The Office action alleges *Elliott* teaches this limitation in FIG. 6C, column 42 lines 56-59, “referenced by IVR services provided off-switch similar to operator services.

This statement by the Office Action clearly fails to address this limitation of claim 47 in a manner to meet the burden imposed under 35 U.S.C. §102. This statement by the Office Action is tantamount to an admission that *Elliott* fails to teach “interfacing an operator system to said interactive response process.”

Claim 47 also recites “establishing a first signaling channel associated with said first communication device and said interactive response process” and “directing, under control of said interactive response process using said first signaling channel, a first media stream associated with said first communication device to said second communication device” For the same reasons advanced above in addressing the anticipation rejections of claim 1, Applicant respectfully asserts that *Elliott* does not teach these elements of claim 47.

Claim 47 also recites “receiving at said interactive response process signaling information from said first communication device indicating a desire to communicate with said operator system.” The Office action alleges *Elliott* teaches this limitation in column 223 lines 13-19, “referenced by the first communication device accessing an operator by dialing “00” which is signaling information to connection to operator services.” The text appearing at column 223, lines 13-19, merely provides: “Operator Services can be available to any customer using, for example, 1+ long distance service, calling card service, and prepaid calling card service of the carrier of telecommunications network 200. An operator can be accessed by dialing “00” or 101-XXXX-0. Access to an operator can be accomplished through switched or dedicated access.” Nothing in this recitation teaches that an indication of “a desire to communicate with said operator system “ is received by an “interactive response process” as recited by claim 47.

Claim 47 also recites “redirecting, under control of said interactive response process using said first signaling channel, said first media stream associated with said first communication device from said second communication device to said operator system.” The Office action alleges *Elliott* teaches this limitation in column 225, lines 4-7, “referenced by re-origination feature allowing the calling party of the first communication device to connect to operator service to originate a new call once the call to the second communication device is terminated.” However, the text at column 225, lines 4-7, states: “Re-Origination will allow customers to place multiple calling card calls without having to hang up, dial the access number, and enter the authorization code again. The feature can be initiated by

depressing for 2 full seconds.” This passage from *Elliott*, directed to calling card services, does not provide any disclosure with respect to redirecting a media stream from a second communication device to an operator system, particularly where this redirection is carried out under the control of an interactive response process using a first signaling channel between the first communication device and the interactive response process, as claimed.

Finally, claim 47 also recites “directing a third media stream from said operator system to said first communication device.” The Office Action also alleges *Elliott* teaches this limitation in column 225 lines 4-7 “referenced by re-origination feature wherein the first communication device is connected to the operator service by depressing for 2 full seconds.” However, as noted above this passage from *Elliott*, directed to calling card services, does not provide any disclosure with respect to directing a third media stream from an operator system to a first communication device. The cited passage of *Elliott* clearly only provides that the re-origination “feature can be initiated by depressing for 2 full seconds,” not that a third media stream is directed from an operator system to the first communication device, as recited by claim 47.

Thus, for at least the above reasons Applicant respectfully contends that *Elliott* does not teach all the claimed limitations of claim 47. Therefore, Applicant respectfully asserts that independent claim 47 is patentable over the 35 U.S.C. §102 rejection of record. Furthermore, there are great differences between claim 47 and the prior art of record, and a person of ordinary skill in the art considering the prior art would not find these differences obvious.

Claims 48-54 and 56 depend directly, or indirectly, from base claim 47, and thus inherit all limitations of claim 47. As a result each of claims 48-54 and 56 set forth features and limitations not recited by *Elliott*. Thus, Applicant respectfully asserts that for at least the reasons advanced above in addressing the anticipation rejection of claim 47 claims 48-54 and 56 are patentable over the 35 U.S.C. § 102 rejection of record.

D. Claims 57-63 (as renumbered)

Claim 57 recites “interfacing a number of communication devices to an asynchronous network, wherein a plurality of said number of communication devices include call control functionality.” The Office action alleges *Elliott* teaches this limitation in FIG. 1, “referenced

by communication devices telephones 102 120 122 124, wherein a plurality of said number of communication devices include call control functionality (FIG. 1) referenced by call control provided through Carrier Facilities 126 130 128 132.” However, nothing in Fig. 1 of *Elliott* or its description would seem to indicate that carrier facilities 126 and 130 or customer facilities 128 and 132 provide any sort of call control functionality.

Claim 57 also recites “directing a first media stream associated with at least one of a first communication device of said number of communication devices and a second communication device of said number of communication devices to the other one of said first and second communication devices under control of said call control functionality associated with said first communication device.” The Office action alleges *Elliott* teaches this limitation in FIG. 28, “referenced by the connection of first media stream associated to first communication device Telephone 120 and second media stream associated to the second communication device Telephone 102 under the call control initiated by the first communication device Telephone 120 via Soft Switch 304.” This statement by the Office Action fails to address this limitation of claim 57 in a manner to meet the burden imposed under 35 U.S.C. §102. This statement by the Office Action is tantamount to an admission that *Elliott* fails to teach call control functionality included in a connected communications device, much less directing a first media stream associated with a first communication device and a second communication device under control of call control functionality associated with the first communication device.

Finally, claim 57 recites “directing a second media stream associated with at least one of said first communication device, said second communication device, and a third communication device of said number of communication devices to at least one of said first, second, and third communication devices under control of said call control functionality associated with said second communication device.” The Office action alleges *Elliott* teaches this limitation in column 227, lines 64-67, “referenced by code access of first second and third communication devices to a conference call wherein the second communication device Telephone has call control with respect to it’s access to the conference call.” The cited passage of *Elliott* provides: “Code Access permits a participant to hear a prompt asking for a code (determined by moderator) that could allow access to the conference. The code can be entered, e.g., via dual tone multiple frequencies (DTMF) tones.” This passage indicates that a calling part may access a conference call using a DTMF code, but does not address

redirection of a second media stream to another communication devices under control of call control functionality associated with a second communication device, particularly where a first media stream associated with a first communication device and the second communication device under control of call control functionality associated with the first communication device.

Thus, Applicant respectfully contends that *Elliott* does not teach all the claimed limitations of independent claim 57. Therefore, Applicant respectfully asserts that independent claim 57 is patentable over the 35 U.S.C. §102 rejection of record. Furthermore, there are great differences between claim 57 and the prior art of record, and a person of ordinary skill in the art considering the prior art would not find these differences obvious.

Claims 58-63 depend directly, or indirectly, from base claim 57, and thus inherit all limitations of claim 57. As a result, each of claims 58-63 set forth features and limitations not recited by *Elliott*. Thus, Applicant respectfully asserts that for at least the reasons advanced above in addressing the anticipation rejection of claim 57, claims 58-63 are patentable over the 35 U.S.C. § 102 rejection of record.

VI. Rejections under 35 U.S.C. §103(a)**A. Claims 3-7 and 22-25, 26,27**

Claims 3-7 and 22-33 (as renumbered) stand rejected under 35 U.S.C. §103(a) as unpatentable over *Elliott* in view of *Cave* and claims 34-38 (as renumbered) stand rejected under 35 U.S.C. §103(a) as unpatentable over *Elliott* and *Cave* in view of *Adams*. Applicant respectfully traverses these rejections for the reasons advanced below.

To establish a prima facie case of obviousness, three basic criteria must be met. See M.P.E.P. § 2143. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Without conceding the first or second criteria, Applicant respectfully contends that the prior art references, when combined, teach or suggest all the claim limitations.

1. Claims 3-7 and 22

Claims 3-7 and 22 depend directly or indirectly from base claim 1, and thus inherit all limitations of claim 1. As discussed above in addressing the anticipation rejection of claim 1, *Elliott* fails to teach or suggest certain elements of claim 1. The Office Action does not rely on *Cave* as teaching these missing elements of claim 1. As a result, Applicant respectfully contends that at least for these reasons claims 3-7 and 22 set forth features and limitations not recited by the combination of *Elliott* and *Cave*. Therefore, Applicant respectfully asserts claims 3-7 and 22 are patentable over the 35 U.S.C. §103 rejection of record.

2. Claims 23-38

Independent claim 23 recites “interfacing an interactive response process to said asynchronous network, wherein said interactive response process is adapted to directly utilize packet network protocols” Similar to claims 1, 39 and 47, the Office Action relies on *Elliott* as teaching this element. Therefore, for the same reasons advanced above in addressing the anticipation rejections of claim 1, 39 and 47, Applicant respectfully asserts that *Elliott* does not teach this limitation. Namely, the Calling Card IVR of Figure 6D is clearly shown as an

“off-network” device connected through Gateway 110. The description of use of IPDC and SR-3511 protocols provided at column 43, lines 2-6 is in reference to network IVR 654 of *Elliott*, not off-network calling card IVR 632. Therefore, the Office Action fails to show how *Elliott* teaches “interfacing an interactive response process to said asynchronous network,” particularly where the “interactive response process is adapted to directly utilize packet network protocols.”

Claim 23 also recites “establishing a first signaling channel associated with said first communication device and said interactive response process.” The Office Action relies on *Elliott* as teaching this limitation as well. The Office Action states that *Elliott* teaches this limitation, citing FIG. 1, FIG. 6C, FIG. 6D, column 42 lines 56-67, and column 43 lines 1-6, “referenced by control signals H.323 from the Soft Switch 204 via Gateway Site 110 to the IVR 632 connecting Telephone 120 to a Calling Card IVR.” Again, the Office Action is relying on the description of Network IVR 654’s use of IPDC and SR-3511 protocols provided at column 43, lines 1-6 as teaching signaling by off-network calling card IVR 632. Therefore, the Office Action fails to show how, or if, *Elliott* teaches “establishing a first signaling channel associated with said first communication device and said interactive response process.”

Claim 23 also recites “directing, under control of said interactive response process using said first signaling channel, a first media stream associated with said first communication device to said second communication device to thereby provide a call.” The Office Action states that *Elliott* teaches this limitation in FIG. 2B, “referenced by IVR in combination with Soft Switch 304 control of RTP/UDP/IP media stream between Telephone 120 and Telephone 102.” Applicant wishes to respectively point out that claim 23 clearly recites that the first media stream is directed “under control of said interactive response process using said first signaling channel.” The Office action’s recitation of a combination of soft switch and IVR (presumably earlier recited Calling Card IVR 632) fails to meet the burden imposed under 35 U.S.C. §102, because nothing in *Elliott* teaches the IVR using a signaling channel to control a media stream..

Cave nor *Adams* is not relied upon by the Office Action as teaching any of the above discussed elements. Therefore, Applicant respectfully asserts that the combinations of *Elliott* and *Cave* and *Elliott*, *Cave* and *Adams* do not teach or suggest at least the above discussed

elements of claim 23. Thus, Applicant respectfully asserts that at least for the above reasons independent claim 23 is patentable over the 35 U.S.C. § 103(a) rejection of record.

Claims 24-38 depend directly, or indirectly, from base claim 23, and thus each of claims 24-38 inherit all limitations of claim 23. Therefore, for at least the reasons advanced above in addressing the obviousness rejection of claim 23, each of claims 24-33 set forth features and limitations not recited by the combination of *Elliott* and *Cave*; and claims 34-38 set forth features and limitations not recited by the combination of *Elliott*, *Cave* and *Adams*. Thus, Applicant respectfully asserts that claims 23-38 are patentable over the 35 U.S.C. § 103(a) rejection of record.

3. Claim 10

Claim 10 stands rejected under 35 U.S.C. §103(a) as unpatentable over *Elliott* in view of *Shitivelman*. Applicant respectfully traverses this rejection. As discussed above to establish a prima facie case of obviousness, three basic criteria must be met. Without conceding the first or second criteria enumerated above Applicant respectfully contends that the rejection of record fails to teach all limitations of claim 10.

Claim 10 depends indirectly from base independent claim 1, and thus inherit all limitations of claim 1. As discussed above in addressing the anticipation rejection of claim 1, *Elliott* fails to teach or suggest certain elements of claim 1. The Office Action does not rely on *Shitivelman* as teaching these missing elements of claim 1. As a result, Applicant respectfully contends that at least for these reasons claim 10 sets forth features and limitations not recited by the combination of *Elliott* and *Shitivelman*. Therefore, Applicant respectfully asserts claim 10 is patentable over the 35 U.S.C. §103 rejection of record.

VII. Conclusion

For all the reasons given above, Applicant submits that the pending claims distinguish over the prior art under 35 U.S.C. §§102 and 103. Accordingly, Applicant submits that this application is in full condition for allowance.

The required fees for this response are enclosed. If any additional fee is due, please charge Deposit Account No. 06-2380, under Order No. 47524/P104CP1/09908773, from which the undersigned is authorized to draw.

Finally, Applicant respectfully requests that the Examiner call the below listed attorney if the Examiner believes that the attorney can be helpful in resolving any remaining issues in this case.

Dated: November 24, 2004

Respectfully submitted,

By 

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